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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,635	09/15/2003	Armin Leder	32368-190970	7949
26694	7590	09/29/2005	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 09/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,635

Applicant(s)

LEDER ET AL.

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09152003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: It appears that the following change is required:

Page 9, line 16: Change "25" to --28--

Appropriate correction is required

Claim Objections

2. Claim 8 is objected to because of the following informalities: It appears that the limitation "holding" after "one" should be deleted in line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "at least one traction element" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10, 13, 14, 16-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. 4,280,250) in view of Carey et al. (U.S. 5,537,717).

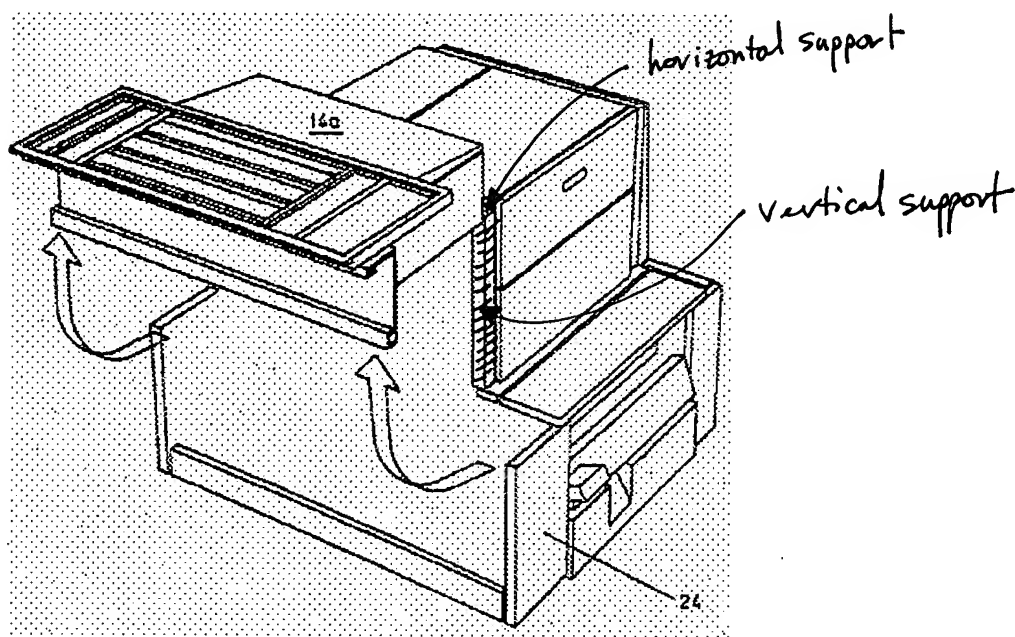
Martin discloses an arrangement (Figure 1) for a spinning preparation machine 21 having machine sides (4, 5). Machine supports are provided for supporting the machine (Col. 3, lines 40-55).

However, Martin does not disclose a machine casing arranged along the sides of the machine and casing elements attached to the supports that are arranged to open up or close off openings in the machine casing so that free access is given to at least one side region and one end region of the machine.

Carey et al. teaches a guard 11 for a carding machine 10. The guards 11 are mounted to the machine support structure and are arranged along the sides and end of the machine (Col. 4, lines 9-10). The guards 11 shield personnel from coming into contact with the rotating parts of the carding machine while being pivotally mounted so as to enable personnel to perform maintenance work on the machine when the machine is not operating.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Martin with guards that are mounted

to the machine support structure and are arranged along the sides and end of the machine (Col. 4, lines 9-10) to shield personnel from coming into contact with the rotating parts of the carding machine while being pivotally mounted so as to enable personnel to perform maintenance work on the machine when the machine is not operating.



With regard to claim 2, the supports have a least one vertical supporting element.

With regard to claim 3, the machine supports comprise two vertical supporting elements.

With regard to claim 4, the two vertical supporting elements are attached to the machine frame.

With regard to claim 5, the supports include at least one horizontal holding element.

With regard to claim 6, the supports include two horizontal holding elements.

With regard to claim 7, the two horizontal holding elements each have an end region attached respectively to the two vertical supporting elements.

With regard to claim 8, at least one horizontal holding element is suspended from at least one vertical supporting element.

With regard to claims 9 and 10, the at least one horizontal holding element is a single or a two-arm lever.

With regard to claims 13 and 14, the at least one horizontal holding element is arranged in the upper region and above the carding machine since it's attached to the top of the machine frame.

With regard to claim 16, the at least one vertical supporting element is arranged in one of an intake area and discharge area of the machine.

With regard to claim 17, the vertical supporting element is a support.

With regard to claim 18, the at least one horizontal holding element is attached to at least one vertical supporting element.

With regard to claim 19, a chute feed is attached to the intake of the machine.

The claim does not define any structural elements of a chute feed that defines over the prior art.

With regard to claims 20 and 21, the casing elements are doors and flaps.

With regard to claim 22, the casing elements are attached to at least one of a horizontal holding element and the vertical supporting elements.

With regard to claim 23, the casing elements are rotatable and pivotable.

Art Unit: 3765

With regard to claim 24, the casing elements can be displaced in a horizontal direction. The claim does not infer any structure or means by which the elements are displaced horizontally.

With regard to claim 25, rails are attached to at least one horizontal holding element.

With regard to claim 28, the casing elements are rotatable around a horizontal axis.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. 4,280,250) in view of Carey et al. (U.S. 5,537,717) as applied to claim 1 above, and further in view of Fleming (U.S. 5,290,077).

Martin and Carey et al. disclose the invention substantially as claimed above.

However, they do not disclose spring loaded latch bolts for mounting the casing elements.

Fleming teaches a door assembly resembling a casing element. Spring loaded latch bolts are provided to keep the door in a closed position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide spring loaded latch bolts as taught by Fleming to the casing elements of Martin in order to keep the casing elements in a closed position.

Allowable Subject Matter

8. Claims 11, 12 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

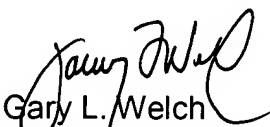
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw